



General Assembly

**Amendment**

January Session, 2021

LCO No. 9184



Offered by:

REP. PERILLO, 113<sup>th</sup> Dist.

REP. REBIMBAS, 70<sup>th</sup> Dist.

To: Subst. Senate Bill No. 1019

File No. 613

Cal. No. 514

**"AN ACT CONCERNING THE BOARD OF PARDONS AND PAROLES, ERASURE OF CRIMINAL RECORDS FOR CERTAIN MISDEMEANOR AND FELONY OFFENSES, PROHIBITING DISCRIMINATION BASED ON ERASED CRIMINAL HISTORY RECORD INFORMATION AND CONCERNING THE RECOMMENDATIONS OF THE CONNECTICUT SENTENCING COMMISSION WITH RESPECT TO MISDEMEANOR SENTENCES."**

1 After the last section, add the following and renumber sections and  
2 internal references accordingly:

3 "Sec. 501. (NEW) (*Effective October 1, 2021*) (a) For purposes of this  
4 section, "criminal act" means criminal act, as defined in section 53a-224  
5 of the general statutes.

6 (b) A person is guilty of enticing a juvenile to commit a criminal act  
7 if such person is eighteen years of age or older and knowingly causes,  
8 encourages, solicits, recruits, intimidates or coerces a person under  
9 eighteen years of age to commit or participate in the commission of a  
10 criminal act.

11 (c) Enticing a juvenile to commit a criminal act is a class D felony.

12 Sec. 502. Subsection (e) of section 46b-133 of the general statutes is  
13 repealed and the following is substituted in lieu thereof (*Effective October*  
14 *1, 2021*):

15 (e) When a child is arrested for the commission of a delinquent act  
16 and is placed in detention pursuant to subsection (c) of this section, such  
17 child may be detained pending a hearing which shall be held on the  
18 business day next following the child's arrest. No child may be detained  
19 after such hearing unless the court determines, based on the available  
20 facts, that (1) there is probable cause to believe that the child has  
21 committed the acts alleged, (2) there is no less restrictive alternative  
22 available, and (3) through the use of the detention risk screening  
23 instrument developed pursuant to section 46b-133g, that there is (A)  
24 probable cause to believe that the level of risk the child poses to public  
25 safety if released to the community prior to the court hearing or  
26 disposition cannot be managed in a less restrictive setting; (B) a need to  
27 hold the child in order to ensure the child's appearance before the court  
28 or compliance with court process, as demonstrated by the child's  
29 previous failure to respond to the court process, or (C) a need to hold  
30 the child for another jurisdiction. Such probable cause may be shown by  
31 sworn affidavit in lieu of testimony. No child shall be released from  
32 detention who is alleged to have committed a serious juvenile offense  
33 except by order of a judge of the Superior Court. The court may, in its  
34 discretion, consider as an alternative to detention a suspended detention  
35 order with graduated sanctions to be imposed based on the detention  
36 risk screening for such child, using the instrument developed pursuant  
37 to section 46b-133g. Any child confined in a community correctional  
38 center or lockup shall be held in an area separate and apart from any  
39 adult detainee, except in the case of a nursing infant, and no child shall  
40 at any time be held in solitary confinement. [or held for a period that  
41 exceeds six hours.] When a female child is held in custody, she shall, as  
42 far as possible, be in the charge of a woman attendant.

43 Sec. 503. Subsection (k) of section 46b-133 of the general statutes is

44 repealed and the following is substituted in lieu thereof (*Effective October*  
45 *1, 2021*):

46 (k) For purposes of subsections (c) and (e) of this section, a child may  
47 be determined to pose a risk to public safety if such child (1) has  
48 previously been adjudicated as delinquent for or convicted of or pled  
49 guilty or nolo contendere to two or more felony offenses, (2) has had  
50 [two] one or more prior dispositions of probation and is charged with  
51 commission of a larceny under subdivision (3) of subsection (a) of  
52 section 53a-122 or subdivision (1) of subsection (a) of section 53a-123 or  
53 subdivision (1) of subsection (a) of section 53a-124, or (3) is charged with  
54 stealing a firearm under section 53a-212, the commission of a violent  
55 offense, including any offense committed with or involving the use of a  
56 deadly weapon, as defined in section 53a-3, or a violation of section 53a-  
57 136a.

58 Sec. 504. (NEW) (*Effective October 1, 2021*) (a) The court shall order any  
59 child, as defined in section 46b-120 of the general statutes, who is  
60 charged with a delinquency offense involving a motor vehicle, as  
61 defined in section 46b-133j of the general statutes, for which such child  
62 is not yet adjudicated as delinquent, who, during the pendency of a  
63 delinquency proceeding, is charged with a subsequent delinquency  
64 offense involving a motor vehicle, to be released to the custody of the  
65 child's parent or parents, guardian or some other suitable person subject  
66 to the condition that the child not leave such parent, guardian or suitable  
67 person's residence unless otherwise authorized by the court until each  
68 such delinquency proceeding is disposed of.

69 (b) If any such child who is released to the custody of such child's  
70 parent or parents or guardian pursuant to the provisions of subsection  
71 (a) of this section is charged with any violation of such child's conditions  
72 of release, the court shall find such child to pose a risk to public safety  
73 and shall issue an order to detain the child in a detention center  
74 pursuant to subsection (i) of section 46b-133 of the general statutes until  
75 each delinquency proceeding for any such violation described in this  
76 section is disposed of.

77 Sec. 505. Section 46b-6 of the general statutes is repealed and the  
78 following is substituted in lieu thereof (*Effective October 1, 2021*):

79 In any pending family relations matter or juvenile matter under  
80 chapter 815t in which the juvenile has previously been adjudicated as  
81 delinquent for or convicted of or pled guilty or nolo contendere to a  
82 felony offense and is charged with (1) commission of a larceny under  
83 subdivision (3) of subsection (a) of section 53a-122, subdivision (1) of  
84 subsection (a) of section 53a-123 or subdivision (1) of subsection (a) of  
85 section 53a-124, (2) stealing a firearm under section 53a-212, or (3) the  
86 commission of a violent offense, including any offense committed with  
87 or involving the use of a deadly weapon, as defined in section 53a-3, or  
88 a violation of section 53a-136a, the court or any judge may cause an  
89 investigation to be made with respect to any circumstance of the matter  
90 which may be helpful or material or relevant to a proper disposition of  
91 the case. Such investigation may include an examination of the  
92 parentage and surroundings of any child, his age, habits and history,  
93 inquiry into the home conditions, habits and character of his parents or  
94 guardians and evaluation of his mental or physical condition. In any  
95 action for dissolution of marriage, legal separation or annulment of  
96 marriage such investigation may include an examination into the age,  
97 habits and history of the parties, the causes of marital discord and the  
98 financial ability of the parties to furnish support to either spouse or any  
99 dependent child.

100 Sec. 506. Subsections (a) and (b) of section 46b-127 of the general  
101 statutes are repealed and the following is substituted in lieu thereof  
102 (*Effective October 1, 2021*):

103 (a) (1) The court shall automatically transfer from the docket for  
104 juvenile matters to the regular criminal docket of the Superior Court the  
105 case of any child charged with the commission of (A) a capital felony  
106 under the provisions of section 53a-54b in effect prior to April 25, 2012,  
107 a class A felony, [or] (B) a class B felony, except as provided in  
108 subparagraph (C) of this subdivision or subdivision (3) of this  
109 subsection, or a violation of section 53a-54d, or (C) a felony when such

110 child is a serious juvenile repeat offender, as defined in subdivision (10)  
111 of section 46b-120, provided such offense was committed after such  
112 child attained the age of fifteen years and counsel has been appointed  
113 for such child if such child is indigent. Such counsel may appear with  
114 the child but shall not be permitted to make any argument or file any  
115 motion in opposition to the transfer. The child shall be arraigned in the  
116 regular criminal docket of the Superior Court at the next court date  
117 following such transfer, provided any proceedings held prior to the  
118 finalization of such transfer shall be private and shall be conducted in  
119 such parts of the courthouse or the building in which the court is located  
120 that are separate and apart from the other parts of the court which are  
121 then being used for proceedings pertaining to adults charged with  
122 crimes.

123 (2) A state's attorney may, at any time after such arraignment, file a  
124 motion to transfer the case of any child charged with the commission of  
125 a class B felony or a violation of subdivision (2) of subsection (a) of  
126 section 53a-70 to the docket for juvenile matters for proceedings in  
127 accordance with the provisions of this chapter.

128 (3) No case of any child charged with the commission of a violation  
129 of section 53a-55, 53a-59b, 53a-71 or 53a-94, subdivision (2) of subsection  
130 (a) of section 53a-101, section 53a-112, 53a-122 or 53a-129b, subdivision  
131 (1), (3) or (4) of subsection (a) of section 53a-134, section 53a-196c, 53a-  
132 196d or 53a-252 or subsection (a) of section 53a-301 shall be transferred  
133 from the docket for juvenile matters to the regular criminal docket of the  
134 Superior Court, except as provided in this subdivision or subparagraph  
135 (C) of subdivision (1) of this subsection. Upon motion of a prosecutorial  
136 official, the superior court for juvenile matters shall conduct a hearing  
137 to determine whether the case of any child charged with the commission  
138 of any such offense shall be transferred from the docket for juvenile  
139 matters to the regular criminal docket of the Superior Court. The court  
140 shall not order that the case be transferred under this subdivision unless  
141 the court finds that (A) such offense was committed after such child  
142 attained the age of fifteen years, (B) there is probable cause to believe  
143 the child has committed the act for which the child is charged, and (C)

144 after considering the best interests of the child, [and] the best interests  
145 of the public will not be served by maintaining the case in the superior  
146 court for juvenile matters. In making such findings, the court shall  
147 consider (i) any prior criminal or juvenile offenses committed by the  
148 child, (ii) the seriousness of such offenses, (iii) any evidence that the  
149 child has intellectual disability or mental illness, and (iv) the availability  
150 of services in the docket for juvenile matters that can serve the child's  
151 needs. Any motion under this subdivision shall be made, and any  
152 hearing under this subdivision shall be held, not later than thirty days  
153 after the child is arraigned in the superior court for juvenile matters.

154 (b) [Upon] Except as provided in subsection (a) of this section, upon  
155 motion of a prosecutorial official, the superior court for juvenile matters  
156 shall conduct a hearing to determine whether the case of any child  
157 charged with the commission of a class C, D or E felony or an  
158 unclassified felony shall be transferred from the docket for juvenile  
159 matters to the regular criminal docket of the Superior Court. The court  
160 shall not order that the case be transferred under this subdivision unless  
161 the court finds that (1) such offense was committed after such child  
162 attained the age of fifteen years, (2) there is probable cause to believe the  
163 child has committed the act for which the child is charged, and (3) after  
164 considering the best interests of the child, [and] the best interests of the  
165 public will not be served by maintaining the case in the superior court  
166 for juvenile matters. In making such findings, the court shall consider  
167 (A) any prior criminal or juvenile offenses committed by the child, (B)  
168 the seriousness of such offenses, (C) any evidence that the child has  
169 intellectual disability or mental illness, and (D) the availability of  
170 services in the docket for juvenile matters that can serve the child's  
171 needs. Any motion under this subdivision shall be made, and any  
172 hearing under this subdivision shall be held, not later than thirty days  
173 after the child is arraigned in the superior court for juvenile matters.

174 Sec. 507. Subsection (a) of section 54-76b of the general statutes is  
175 repealed and the following is substituted in lieu thereof (*Effective October*  
176 *1, 2021*):

177 (a) For the purposes of sections 54-76b to 54-76n, inclusive:

178 (1) "Youth" means (A) a minor who has reached the age of sixteen  
 179 years but has not reached the age of eighteen years at the time of the  
 180 alleged offense, or (B) a child who has been transferred to the regular  
 181 criminal docket of the Superior Court pursuant to section 46b-127, as  
 182 amended by this act; and

183 (2) "Youthful offender" means a youth who (A) is charged with the  
 184 commission of a crime which is not a class A felony or a violation of  
 185 section 53a-70b of the general statutes, revision of 1958, revised to  
 186 January 1, 2019, or section 14-222a, subsection (a) or subdivision (1) of  
 187 subsection (b) of section 14-224, section 14-227a, 14-227g or 14-227m,  
 188 subdivision (1) or (2) of subsection (a) of section 14-227n, subdivision (2)  
 189 of subsection (a) of section 53-21 or section 53a-70, 53a-70a, 53a-71, 53a-  
 190 72a or 53a-72b, except a violation involving consensual sexual  
 191 intercourse or sexual contact between the youth and another person  
 192 who is thirteen years of age or older but under sixteen years of age, and  
 193 (B) has not previously been convicted of a felony in the regular criminal  
 194 docket of the Superior Court or been previously adjudged a serious  
 195 juvenile offender, [or serious juvenile repeat offender, as defined in  
 196 section 46b-120.]"

This act shall take effect as follows and shall amend the following sections:		
Sec. 501	October 1, 2021	New section
Sec. 502	October 1, 2021	46b-133(e)
Sec. 503	October 1, 2021	46b-133(k)
Sec. 504	October 1, 2021	New section
Sec. 505	October 1, 2021	46b-6
Sec. 506	October 1, 2021	46b-127(a) and (b)
Sec. 507	October 1, 2021	54-76b(a)